

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13  
MICHELE L. AMES :  
Debtor :  
: Case No. 21-12125-elf

**MOTION OF CREDITOR, GUY ALEXANDER AMES,  
TO DISMISS CASE PURSUANT TO 11 U.S.C. §1307 (C)**

Creditor, Guy Alexander Ames, moves this Court to enter an Order dismissing this case pursuant to 11 U.S.C. §1307 (C) and in support thereof, states the following:

1. Movant is a Creditor of Debtor by virtue of an unliquidated claim for equitable distribution of marital property.
2. Movant's equitable distribution claim is the subject of domestic relations proceedings between Movant and Debtor pending in the Court of Common Pleas of Bucks County, Pennsylvania.
3. Movant has filed an Objection to Confirmation of Debtor's Chapter 13 Plan, the allegations of which are incorporated herein by reference.
4. Cause exists for dismissal of this case for numerous reasons, including –
  - a. Unreasonable delay by the Debtor that is prejudicial to Creditors.
    - i. Failure to propose a Chapter 13 plan that is in good faith, that is feasible and not in violation of 11 U.S.C. 1325 (a) (3);
    - ii. Failure to amend schedules and statements to disclose Debtor's current income from employment;
    - iii. Failure to disclose liquidation of retirement assets and disposition of the proceeds of those retirement assets on Debtor's Statements;
    - iv. Failure to respond to the Subpoena to Produce Documents, Information, etc. served upon Debtor's counsel by Movant's counsel on September 27, 2021;
    - v. Failure to make honest, accurate and complete disclosures of information to the Court, the Chapter 13 Trustee and to Creditors.



- b. Denial of confirmation of Debtor's plan under Section 1325 and denial of a request for additional time for filing another plan.
- c. Failure to make timely payments under Section 1326 on Debtor's proposed plan or and on any plan that might be feasible for confirmation.
- d. Debtor's lack of good faith in commencing this case, lack of good faith in complying with her obligations as a Debtor in this case and failures of disclosure and honesty to the Court, Trustee and Creditors.

WHEREFORE, Movant requests that this Court enter an Order dismissing this case pursuant to 11 U.S.C §1307 (C).

/s/Jeffrey C. McCullough

Jeffrey C. McCullough, Esquire

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